

PATENT APPLICATION
IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re application of

Docket No: Q79447

Akira SAITO, et al.

Appln. No.: 10/758,562

Group Art Unit: 1642

Confirmation No.: 5978

Examiner: Catherine JOYCE

Filed: January 16, 2004

For: NOVEL ONCOGENE, RECOMBINANT PROTEIN DERIVED THEREFROM, AND
USES THEREOF

INFORMATION DISCLOSURE STATEMENT
UNDER 37 C.F.R. §§ 1.97 and 1.98

MAIL STOP AMENDMENT

Commissioner for Patents

P.O. Box 1450

Alexandria, VA 22313-1450

Sir:

In accordance with the duty of disclosure under 37 C.F.R. § 1.56, Applicant hereby notifies the U.S. Patent and Trademark Office of the documents which are listed on the attached PTO/SB/08 A & B (modified) form and/or listed herein and which the Examiner may deem material to patentability of the claims of the above-identified application.

1. D11: DATABASE EMBL [Online] 10 October 2001 (2001-10-10), "Human mRNA for KIAA0261, partial cds." **Database accession no. D87450.**

One copy of the listed document is submitted herewith, along with a copy of the corresponding European Office Action dated December 21, 2006, which was first received by the Applicant on March 7, 2007, which cites the above listed reference.

The present Information Disclosure Statement is being filed after either a Final Office Action, Notice of Allowance, or an action that otherwise closes prosecution in the application (whichever is earlier), but before payment of the Issue Fee, and therefore Applicant is submitting herewith a fee of \$180.00 via EFS payment screen under 37 C.F.R. § 1.17(p), and a Statement Under 37 C.F.R. § 1.97(e).

The submission of the listed documents is not intended as an admission that any such document constitutes prior art against the claims of the present application. Applicant does not waive any right to take any action that would be appropriate to antedate or otherwise remove any listed document as a competent reference against the claims of the present application.

The USPTO is directed and authorized to charge all required fees, except for the Issue Fee and the Publication Fee, to Deposit Account No. 19-4880. Please also credit any overpayments to said Deposit Account. A duplicate copy of this paper is attached.

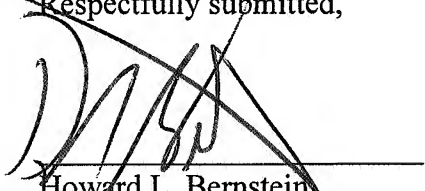
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WASHINGTON OFFICE

23373

CUSTOMER NUMBER

Respectfully submitted,



Howard L. Bernstein
Registration No. 25,665

Date: June 7, 2007

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STATEMENT UNDER 37 C.F.R. § 1.97(e)

Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450
Sir:

The undersigned hereby states, upon information and belief:

The item of information contained in the Information Disclosure Statement filed concurrently herewith was cited in any communication from a foreign patent office in a counterpart foreign application, and, to the knowledge of the undersigned after making a reasonable inquiry, that item of information contained in the information disclosure statement was not known to any individual designated in 37 C.F.R. § 1.56(c) more than three months prior to the filing of said Information Disclosure Statement.

The USPTO is directed and authorized to charge all required fees, except for the Issue Fee and the Publication Fee, to Deposit Account No. 19-4880. Please also credit any overpayments to said Deposit Account. A duplicate copy of this paper is attached.

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Substitute for Form 1449 A & B/PTO

**INFORMATION DISCLOSURE
STATEMENT BY APPLICANT***(use as many sheets as necessary)**Complete if Known*

Application Number	10/758,562
Confirmation Number	5978
Filing Date	January 16, 2004
First Named Inventor	Akira SAITO
Art Unit	1642
Examiner Name	Catherine JOYCE
Attorney Docket Number	Q79447

Sheet 1 of 1

U.S. PATENT DOCUMENTS

Examiner Initials*	Cite No. ¹	Document Number		Publication Date MM-DD-YYYY	Name of Patentee or Applicant of Cited Document
		Number	Kind Code ² (if known)		
		US			
		US			
		US			
		US			
		US			
		US			
		US			
		US			
		US			

FOREIGN PATENT DOCUMENTS

Examiner Initials*	Cite No. ¹	Foreign Patent Document			Publication Date MM-DD-YYYY	Name of Patentee or Applicant of Cited Document	Translation ⁶
		Country Code ³	Number ⁴	Kind Code ⁵ (if known)			

NON PATENT LITERATURE DOCUMENTS

Examiner Initials*	Cite No. ¹	Include name of the author (in CAPITAL LETTERS), title of the article (when appropriate), title of the item (book, magazine, journal, serial, symposium, catalog, etc.), date, page(s), volume-issue number(s), publisher, city, and/or country where published.	Translation ⁶
		D11: DATABASE EMBL [Online] 10 October 2001 (2001-10-10), "Human mRNA for KIAA0261, partial cds." Database accession no. D87450	

Examiner Signature

Date Considered

*EXAMINER: Initial if reference considered, whether or not citation is in conformance with MPEP 609. Draw line through citation if not in conformance and not considered. Include copy of this form with next communication to applicant.

¹Applicant's unique citation designation number (optional). ²See Kind Codes of USPTO Patent Documents at www.uspto.gov, MPEP 901.04 or follow the hyperlink from the title of the document to the intranet. ³Enter Office that issued the document, by the two-letter code (WIPO Standard ST. 3). ⁴For Japanese patent documents, the indication of the year of the reign of the Emperor must precede the serial number of the patent document. ⁵Kind of document by the appropriate symbols as indicated on the document under WIPO Standard ST. 16 if possible. ⁶Applicant is to indicate here if English language Translation is attached.